

REMARKS

The above listed claim amendments and the following remarks are believed fully responsive to the Office Action. By this response, claims 9, 11, 12, 14-15, 20, 24 and 26-27 have been amended. Claims 10, 17-19 and 28 are cancelled. Claims 1, 7-9, 11, 14-16, and 20-27 and 29-33 are pending in the Application.

Claim Amendments

Claims 1, 9, 11-12, 14-15, 20, 24, and 26-27 have been amended to more particularly point out and claim the invention. No new matter has been entered.

Claim Objections

Claims 9-12, 14, 19, and 26-27 are objected to for depending from a cancelled claim. The claim dependencies have been corrected. Withdrawal of the objections is respectfully requested.

Claim Rejections Under 35 U.S.C. § 112

Claim 14 stands rejected under 35 U.S.C. §112, second paragraph as being indefinite. The rejection states that the phrase “ coupled respectively to the second ends of the first and second members and to the first ends of the first and second side members renders the claim vague and indefinite”. Claim 14 has been amended to correct an inadvertent error and is believed to be sufficiently clear. Withdrawal of the rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102 and 103

Claims 1, 10-12, 18-19, 26-27, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 254,868 (Gudgeon). Claims 7-8, 15-17, 20-25, and 28-32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gudgeon in view of U.S. Patent 3,690,076 (Harris). Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Gudgeon view of GB Patent 852,169 (Baxendale).

Claims 1 and 15 each relate, in part, to an adjustable surround. Claims 24 and 26 each relate to a method of adjusting a size of an adjustable surround. Claims 1, 15, 24, and 26 each require a first overlap member including a rear surface having a track structure configured to engage a front decorative surface of the first and top second members to couple the first overlap member to the first and second top members. See for example, FIG. 13 reproduced below.

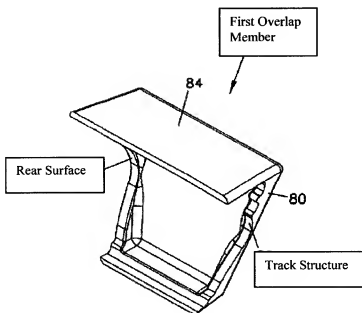
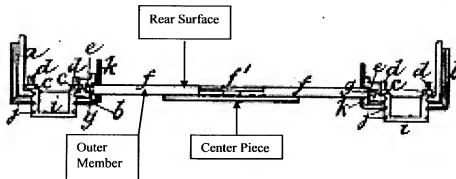


FIG. 13

In contrast, Gudgeon discloses that the “frieze is formed in three parts, the two outer parts *ff*, sliding *on* the center piece *f*”(lines 53-55, emphasis added). As shown in the FIG. 5 of Gudgeon, reproduced on the following page, the center piece *f* does not include rear surface having a track structure configured to engage the front surface of the two outer parts *f*.



Harris is relied upon for teaching retaining members and wall brackets for mounting a surround to a wall and discloses nothing as to an adjustable surround. The cited references, either alone or in combination, fail to provide the limitations of each of claims 1, 15, 24, and 26. Claims 1, 15, 24, and 26 are believed to be allowable over the cited references.

Claim 20 relates to a method of adjusting a size of a decorative surround, and claim 29 is directed to an adjustable surround. Claim 20 requires the step of moving the first and second side members across the width of the top member to adjust the height of the surround. Similarly, claim 29 recites that vertical movement of the first and second side members relative to the top member adjusts the size of the surround.

In contrast, Gudgeon suggests adjusting the height of a surround by moving the jambs *a* relative to the plinths *b*. Gudgeon does not suggest moving the first and second side members across the width of the top member to adjust the height of the surround. Harris discloses nothing as to an adjustable surround. The cited references, either alone or in combination, fail to provide the limitations of claims 20 and 29. Claims 20 and 29 are believed to be allowable over the cited references.

Dependent claims 7-9, 11-12, 14, 16, 21-23, 25, 27, and 30-33 are also believed to be allowable over the cited references for at least the same reasons, as discussed above, in association with the independent claims from which they depend. Withdrawal of the rejections is respectfully requested.

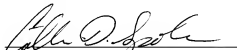
Conclusion

In summary, all grounds for objections and rejections presented in the Office Action have been overcome. Withdrawal of the rejections and a Notice of Allowance is respectfully requested. The Examiner is invited to contact the undersigned at the number below to facilitate prosecution of this matter.

Respectfully submitted,

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